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Attorneys for Defendant GEM SA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BARTECH SYSTEMS INTERNATIONAL
INC.,

Plaintiff,

v

MOBILE SIMPLE SOLUTIONS, INC., a
Delaware corporation, MOBILE SIMPLE
SOLUTIONS (IAS), INC., a Canadian
corporation, GEM SA, a Belgian
corporation, VINCENT TESSIER, an
individual, CHRISTELLE PIGEAT, an
individual,

Defendants

MOBILE SIMPLE SOLUTIONS, INC., a
Delaware corporation, VINCENT TESSIER,
an individual, CHRISTELLE PIGEAT, an
individual,

Counterclaimants,

vs.

BARTECH SYSTEMS INTERNATIONAL
INC., a Delaware corporation,

Counter-defendant.

Case No. 2:15-cv-02422-MMD-NJK

**REQUEST FOR EXTENSION TO
EXCHANGE DISCOVERY
ARGUMENTS
(FIRST REQUEST)**

1 GEM SA ("GEM") by and through its undersigned counsel, hereby requests an order from
2 this Court extending the time in which itself and Bartech Systems International, Inc. ("Plaintiff")
3 must exchange and modify their arguments and submit their joint statement pursuant to this
4 Court's prior Order (*see* ECF No. 415). Currently, the Court's Order requires that the parties
5 submit subsequent modifications by January 12, 2018, and that the parties submit the joint
6 statement on January 16, 2018. Here, GEM requests that the Court modify its Order as follows:
7 (1) GEM must submit subsequent modifications of its arguments to Plaintiff on or before January
8 17, 2018; (2) Plaintiff must submit subsequent modifications of its arguments to GEM on or before
9 January 19, 2018; and (3) the parties must file a joint statement no later than January 22, 2018,
10 with Plaintiff delivering a courtesy copy to the Court, as described in the Court's Order, no later
11 than January 23, 2018.

12 Here, Plaintiff and GEM conducted the Court ordered meet and confer on December 22,
13 2018 ("Meeting"), regarding GEM's supplemental responses to Plaintiff's discovery requests.
14 Subsequently, GEM's counsel corresponded with Plaintiff's counsel on January 9, 2018, pursuant
15 to the Court's Order, regarding the remaining, disputed discovery issues. (*See* correspondence
16 attached hereto as Exhibit 1.) In this correspondence, GEM provided its understanding of, and
17 primary arguments regarding, what constituted the remaining disputed issues after the Meeting
18 and GEM's subsequent supplemental discovery responses and disclosures served post-Meeting.
19 (*See id.*)

20 Specifically, GEM informed Plaintiff of its understanding that the remaining, material
21 disputed issues pertained to: (1) production of information for purposes of damages; (2) production
22 of the attachments to the email communications GEM produced; and (3) GEM financial
23 statements/business plan/operating budget/employee compensation. (*See id.*) In this
24 correspondence, GEM provided Plaintiff its position regarding these disputed issues. (*See id.*)
25 Plaintiff's counsel responded later that same day with a draft copy of the joint statement detailing
26 Plaintiff's understanding of which discovery requests it felt remained in dispute. (*See*
27 correspondence attached hereto as Exhibit 2.)
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1 Shortly thereafter, GEM expressed concern to Plaintiff regarding the timing and sequence
2 of the exchange of information, as it did not allow GEM any opportunity to provide a complete
3 and detailed delineation of arguments since it was unaware of Plaintiff's position regarding
4 disputed discovery requests, particularly newly disputed issues involving GEM's privilege log and
5 GEM's supplemental disclosures served after the Meeting, until after receiving Plaintiff's draft
6 joint statement. (*See* correspondence attached hereto as Exhibit 3.)

7 Accordingly, GEM proposed to Plaintiff that GEM be allowed to submit its modified
8 arguments and detailed response to Plaintiff's disputed discovery issues, particularly the new
9 issues raised by Plaintiff, by January 12, 2018. (*See id.*) GEM further proposed correspondingly
10 allowing Plaintiff until January 15, 2018, to modify its arguments based on GEM's responses so
11 that the issues can be fully briefed for the Court prior to the parties submitting the joint statement
12 pursuant to the Order on January 16, 2018. (*See id.*) However, Plaintiff denied GEM's proposal,
13 citing to the Court's Order requiring that subsequent modifications to the parties' arguments be
14 submitted no later than January 12, 2018. (*See* correspondence attached hereto as Exhibit 4.)

15 Therefore, GEM requests that this Court allow the parties to extend the deadline for
16 submitting their joint statement and for modifying their arguments contained therein. Doing so
17 will not prejudice either party, and will in fact be more beneficial for the Court in being able to
18 properly identify the remaining, disputed issues and evaluate the parties' relative positions as to
19 each.

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2 submit subsequent modifications of its arguments to Plaintiff on or before January 17, 2018; (2)
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4 2018; and (3) the parties must file a joint statement no later than January 22, 2018, with Plaintiff
5 delivering a courtesy copy to the Court, as described in the Court's Order, no later than January
6 23, 2018.

7 DATED this 11th day of January, 2018.

8 **GREENE INFUSO, LLP**

9 /s/Keith W. Barlow

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15 Attorneys for GEM SA

16 IT IS SO ORDERED.

17 Dated: January 12, 2018

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19 UNITED STATES MAGISTRATE JUDGE
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